

Assembly Bill No. 2062

Passed the Assembly August 26, 2014

Chief Clerk of the Assembly

Passed the Senate August 25, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1316.1 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, Roger Hernández. Health facilities: surgical technologists.

Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. A violation of the provisions governing health facilities constitutes a misdemeanor. Existing law requires specified health facilities to employ a dietitian and requires health facilities owned and operated by the state offering care within the scope of practice of a psychologist to establish rules and medical staff bylaws that include provisions for medical staff membership and clinical privileges for clinical psychologists, as specified.

This bill would prohibit a health facility, as defined, from employing a surgical technologist or contracting with an individual to practice surgical technology at the facility, unless the individual possesses specified training and certification or was practicing surgical technology at a health facility at any time prior to January 1, 2015. The bill would exempt a facility from this requirement if the facility documents its inability to recruit a sufficient number of individuals that meet the requirements regarding training and certification or prior practice, as specified, and would require that certain individuals complete specified continuing education or skills training in surgical technology. The bill would provide that a violation of these requirements is not a crime.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Surgical technologists are coresponsible for the environmental disinfection, safety, and efficiency of the operating room, and their knowledge and experience with aseptic surgical techniques qualifies them for a role of importance in the surgical suite.

(b) The surgical technology profession has grown to meet the continuing demand for well-educated, highly skilled, and versatile individuals to work with physicians and surgeons and other skilled professionals to deliver the highest possible level of patient care.

(c) A key purpose of this act is to encourage the education, training, and utilization of surgical technologists in California, given their vital role in the surgical setting.

SEC. 2. Section 1316.1 is added to the Health and Safety Code, to read:

1316.1. (a) A health facility shall not employ a surgical technologist or otherwise contract with an individual to practice surgical technology at the facility, unless the individual meets either of the following requirements:

(1) Meets both of the following requirements:

(A) Has successfully completed either of the following:

(i) A surgical technology educational program accredited by the Commission on Accreditation of Allied Health Education Programs or by an organization recognized by the Council for Higher Education Accreditation or the United States Department of Education.

(ii) A training program for surgical technology provided by the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or Public Health Service.

(B) Holds and maintains certification as a surgical technologist by a credentialing organization with a surgical technologist certification program that is accredited by either the National Commission for Certifying Agencies or the American National Standards Institute.

(2) Provides evidence that the individual was employed to practice surgical technology in a health facility at any time prior to January 1, 2015. An individual employed or under contract pursuant to this paragraph shall complete continuing education or skills training equivalent to the continuing education or skills training necessary to maintain a certification described in subparagraph (B) of paragraph (1).

(b) For purposes of paragraph (2) of subdivision (a), a health facility that employs or contracts with surgical technologists shall, upon request of another health facility pursuant to this section, or upon request of a surgical technologist who is employed by, or has contracted with, or who was formerly employed by or had

contracted with, the health facility to perform surgical technology tasks, verify the dates of employment of, or a contract with, the surgical technologist.

(c) Notwithstanding subdivision (a), both of the following shall apply:

(1) A health facility may employ a surgical technologist or contract with an individual to practice surgical technology at the facility during the 12-month period immediately following the individual's successful completion of an educational or training program for surgical technology described in subparagraph (A) of paragraph (1) of subdivision (a). The employment or contract shall cease at the end of that 12-month period unless the individual satisfies subparagraph (B) of paragraph (1) of subdivision (a).

(2) A health facility may employ a surgical technologist or otherwise contract with an individual to practice surgical technology at the facility who does not meet the requirements of subdivision (a) or paragraph (1) if all of the following requirements are satisfied:

(A) After a diligent and thorough effort has been made, the health facility is unable to employ or contract with a sufficient number of surgical technologists who meet the requirements of subdivision (a) or paragraph (1).

(B) The health facility makes a written record of the efforts described in subparagraph (A) and retains that record at the facility.

(C) Any individual employed or under contract pursuant to this paragraph completes continuing education or skills training equivalent to the continuing education or skills training necessary to maintain a certification described in subparagraph (B) of paragraph (1) of subdivision (a).

(d) This section does not apply to a health care practitioner licensed or certified pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, or under an initiative act referred to in that division, who is performing tasks that fall within the practice of surgical technology if the practitioner is acting within the scope of practice of his or her license or certification.

(e) A violation of this section shall not be subject to Section 1290.

(f) For purposes of this section, the following definitions shall apply:

(1) “Health facility” means any health facility that is defined pursuant to Section 1204 or 1250, and includes any outpatient setting described in Section 1248.

(2) “Surgical technologist” means an individual who practices surgical technology.

(3) “Surgical technology” means intraoperative surgical patient care as follows:

(A) At the direction of, or subject to supervision by, a physician and surgeon, or registered nurse, preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely.

(B) At the direction of, or subject to supervision by, a physician and surgeon, or registered nurse, preparing the operating room and the sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique.

(C) Anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient’s surgical procedure.

(D) As directed in an operating room setting, performing the following tasks at the sterile field:

- (i) Passing supplies, equipment, or instruments.
- (ii) Sponging or suctioning an operative site.
- (iii) Preparing and cutting suture material.
- (iv) Transferring and pouring irrigation fluids.
- (v) Transferring but not administering drugs within the sterile field.
- (vi) Handling specimens.
- (vii) Holding retractors and other instruments.
- (viii) Connecting drains to suction apparatus.
- (ix) Applying dressings to closed wounds.
- (x) Assisting in counting sponges, needles, supplies, and instruments with the registered nurse circulator.
- (xi) Cleaning and preparing instruments for sterilization on completion of the surgery.
- (xii) Assisting the surgical team with cleaning of the operating room on completion of the surgery.

Approved _____, 2014

Governor